

## DeCoster Animal Factories: Decades of Endangering Workers and the Environment

Austin “Jack” DeCoster has owned and operated intensive, industrial-scale animal confinement plants in the U.S. since the early 1960s. Doing business under various company names, such as Quality Egg of New England, LLC, DeCoster Farms, and Maine Contract Farming, LLC, DeCoster has become the largest producer of eggs in New England, and a major player in the Iowa pig farm belt. DeCoster egg operations also figure prominently in the Midwest, with multiple facilities in Iowa, Ohio, and Maine.

DeCoster Farms entered the ranks of the nation’s most notorious polluters of land and water in the 1990s, after constructing several huge pig feeding operations in Iowa that stretched surrounding communities’ abilities to deal with the resulting waste well beyond their limits. DeCoster’s record of environmental devastation has been matched by a long record of violations against the most basic rights of workers. Over the years, DeCoster businesses have been the target of investigations and penalty proceedings by a wide range of state and federal agencies, among them the federal Occupational Safety and Health Commission (OSHA), the U.S. Immigration and Customs Administration, the Maine Human Rights Commission, the federal Equal Employment Opportunity Commission (EEOC), the Maine Department of Environmental Protection, and the Iowa Department of Natural Resources. Examples of DeCoster’s many brushes with the law follow:

- **Prior to 1993:** Even before he built his first large-scale Iowa pig farming operation, Austin J. “Jack” DeCoster had already drawn the serious attention of environmental and labor law enforcement authorities. The Maine Department of Environmental Protection had brought a 14-count action against him for activities that were polluting both air and water. The federal Occupational Safety and Health Administration (OSHA) had investigated DeCoster in connection with farm workers’ reports that they had been exposed to lethal asbestos in DeCoster chicken houses. There had also been a federal suit brought against DeCoster under the Migrant Agricultural Workers Protection Act, based on workers’ reports of unfit housing, and of illegal threats and harassment ongoing at DeCoster plants.<sup>1</sup>
- **July, 1996:** DeCoster was fined over \$3.6 million by OSHA for mistreatment of workers at his Maine egg farms. At these facilities, federal investigators found that workers had been forced to handle manure and dead chickens with unprotected, bare hands, and that the trailers serving as worker housing were filthy and infested. Then-Labor Secretary Robert Reich described the conditions at the Maine DeCoster egg operations as “among the worst” found in the U.S.<sup>2</sup>

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<sup>1</sup> Pigs, profits, and rural communities, Kendall M. Thu and E. Paul Durrenberger, Eds., State University of New York Press (1998) p. 127.

<sup>2</sup> “In Maine, Egg Empire is Under Fire,” New York Times, August 29, 1996, <http://query.nytimes.com/gst/fullpage.html?res=9F0DEED91E39F93AA1575BC0A960958260&sec=&spon=&pagewanted=all>

- **June, 2000:** DeCoster was named Iowa's first "habitual violator" of state environmental laws, after losing a succession of enforcement cases brought against him by the Iowa Attorney General. At the time, DeCoster Farms' pig-feeding business confined hundreds of thousands of pigs, and was generating more manure than it could contain in its underground pits. When the company simply spread its excess manure across open land, and transported huge volumes of it along open county roads, manure flowed into public waterways, causing hazardous pollution. The Iowa Department of Natural Resources ordered DeCoster immediately to construct concrete manure-storage structures, and assessed him a \$150,000 civil penalty. DeCoster's "habitual violator" status raised applicable penalties for noncompliance from \$5,000 to \$25,000 per day, and barred DeCoster from constructing any new confinement feeding operations.<sup>3</sup>
  
- **June, 2002:** OSHA imposed a fine of \$345,810 on Maine Contract Farming LLC (a DeCoster business successor) and several other related entities in Turner, Maine, based on findings that they had refused to remedy hazardous conditions that were continually placing workers in danger. At the time of this OSHA action, the egg farm already had a documented history of roof collapses. Violations listed in the June 2002 OSHA order included exposed asbestos, defective eyewash stations, hazardous electrical equipment, uninspected fire extinguishers, unsanitary shower facilities, and fall hazards. Commenting on the OSHA penalty, an Auburn, Maine lawyer who had represented 80 workers in a pay-violation case against DeCoster told press that Maine Contract Farming and its associates were "still DeCoster Egg Farm," and "still operated by Austin DeCoster."<sup>4</sup>
  
- **July, 2002:** DeCoster Egg Farms of Maine agreed to pay \$3.2 million to settle a discrimination lawsuit brought against it by Mexican workers who suffered deplorable working conditions while working at the Farms. The workers asserted that DeCoster Egg Farms had exploited their vulnerable immigration status in order to avoid obligations to comply with labor laws. The plight of the workers was so substantial that the Mexican government joined in the case, and made the case a cause celebre.<sup>5</sup>
  
- **2001 – 2003:** In 2001, the Iowa Coalition Against Domestic Violence (ICADV) filed a federal Equal Employment Opportunity Commission (EEOC) complaint against DeCoster Farms in Wright County, Iowa, on behalf of female workers who reported that they had been sexually assaulted and raped by supervisors at DeCoster Farms. EEOC reviewed the complaint, and sought an injunction against DeCoster. This resulted in an order requiring DeCoster Farms to enforce federal anti-harassment and non-retaliation policies at its facility, and to cooperate with EEOC's ongoing investigation into the facts underlying the workers' complaint. EEOC ultimately ruled for the workers, but DeCoster would not cooperate towards a settlement payment. EEOC therefore commenced a formal proceeding against DeCoster, which ended in 2003, when DeCoster agreed to pay \$1.3 million in damages to 11 workers, \$100,000 to ICADV, and \$125,000 to any additional victims who might be identified within a year of the settlement decree.<sup>6</sup>

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<sup>3</sup> Release, June 15, 2000, Iowa Attorney General, Iowa Department of Justice, [http://www.iowa.gov/government/ag/consumer/press\\_releases/Decoster-settlement-release-6-15-00.html](http://www.iowa.gov/government/ag/consumer/press_releases/Decoster-settlement-release-6-15-00.html)

<sup>4</sup> "OSHA cites former DeCoster Egg Farm for \$345,000 in alleged violations," Portsmouth Herald, June 8, 2002, [http://archive.seacoastonline.com/2002news/6\\_8maine2.htm](http://archive.seacoastonline.com/2002news/6_8maine2.htm)

<sup>5</sup> "Mexico Wins \$3.2 Million Settlement with DeCoster Egg Farms on Behalf of Workers," July 3, 2002, [www.aztlan.net/decofter.htm](http://www.aztlan.net/decofter.htm)

<sup>6</sup> U.S. Equal Employment Opportunity Commission, Office of General Counsel Report, Fiscal Year 2003 Annual Report, Top Ten Cases Resolved in FY 2003 by Monetary Benefits, <http://www.eeoc.gov/litigation/03annrpt/index.html>



- **August, 2003:** A. J. DeCoster pleaded guilty to federal charges that he had knowingly and repeatedly hired illegal immigrants at his Northern Iowa egg plants. The charges resembled others that DeCoster had faced and settled in 1989, for his illegal hiring practices at Maine-based egg operations. Under the terms of the Iowa plea agreement, DeCoster paid the federal government \$1.25 million, and another \$875,000 in restitution, to cover some of the government's enforcement and monitoring costs at his plants. DeCoster was also required to pay for unannounced facility and record inspections at his plants, for five years following the date of his plea.<sup>7</sup>
- **June, 2006:** During the third immigration raid of DeCoster egg operations in Iowa since 2001, law enforcement officials confirmed that DeCoster was still engaging in illegal hiring practices at his six Iowa egg facilities. Thirty-six workers were detained in the course of this enforcement operation.<sup>8</sup>
- **May, 2007:** Former DeCoster manager Cacy Cantwell was granted a hearing before the Maine Human Rights Commission on his complaint that DeCoster had fired him and stripped him of company housing on the sole grounds that Cantwell is an atheist. A Commission investigator who reviewed the evidence found a reasonable basis for Cantwell's assertion of religious discrimination. Cantwell supplemented his Human Rights Commission complaint with a separate filing against DeCoster at the U.S. Department of Housing and Urban Development.<sup>9</sup>
- **September, 2007:** Federal immigration investigators raided the same six DeCoster egg farms in Iowa that had been raided by officials in June, 2006. Children were among the 51 illegally hired workers found on the premises, this time.<sup>10</sup>
- **August, 2008:** OSHA cited DeCoster surrogate Maine Contract Farming for willful violations of worker safety laws, based on findings that during the prior Winter, the company had forced workers to salvage eggs from inside a dangerously unstable structure that had collapsed from the weight of ice and snow. OSHA called this company misconduct "astonishing" and "unacceptable." For actions that exposed workers in other buildings to additional collapse hazards, and which allowed workers to operate powered industrial trucks in a way that exposed them to the risk of crush injuries, OSHA issued the egg operation two additional citations for hazards that OSHA classified as likely to result in death or serious injury to workers.<sup>11</sup>

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<sup>7</sup> "DeCoster pleads guilty to hiring illegal immigrants," AP, August 9, 2003, <http://www.siouxcityjournal.com/articles/2003/08/09/news/regional/cb14eef-24bfe0fb086256d7d0018fd4c.txt>

<sup>8</sup> "DeCosters Busted Again for Employing Illegals," June 22, 2006, <http://state29.blogspot.com/2006/06/decosters-busted-again-for-employing.html>

<sup>9</sup> "Ex-worker says atheism got him fired by DeCoster," Sun Journal, May 4, 2007, [http://www.sunjournal.com/story/210610-3/LewistonAuburn/Exworker\\_says\\_atheism\\_got\\_him\\_fired\\_by\\_DeCoster/](http://www.sunjournal.com/story/210610-3/LewistonAuburn/Exworker_says_atheism_got_him_fired_by_DeCoster/)

<sup>10</sup> "51 arrested at DeCoster egg farms," AP/The Gazette (Cedar Rapids-Iowa City), September 14, 2007, [http://nl.newsbank.com/nl-search/we/Archives?p\\_product=CR&p\\_theme=cr&p\\_action=search&p\\_maxdocs=200&p\\_field\\_label-0=Section&s\\_dispstring=DeCoster%20AND%20section\(all\)%20AND%20date\(all\)&p\\_field\\_advanced-0=&p\\_text\\_advanced-0=\(DeCoster\)&xcal\\_numdocs=20&p\\_perpage=10&p\\_sort=YMD\\_date:D&xcal\\_useweights=no](http://nl.newsbank.com/nl-search/we/Archives?p_product=CR&p_theme=cr&p_action=search&p_maxdocs=200&p_field_label-0=Section&s_dispstring=DeCoster%20AND%20section(all)%20AND%20date(all)&p_field_advanced-0=&p_text_advanced-0=(DeCoster)&xcal_numdocs=20&p_perpage=10&p_sort=YMD_date:D&xcal_useweights=no)

<sup>11</sup> "Maine Egg Farm Faces \$150,000 in Penalties," EHS Today, August 20, 2008, [http://ehstoday.com/ppe/fall-protection/ehs\\_imp\\_81760/](http://ehstoday.com/ppe/fall-protection/ehs_imp_81760/)